

PATENT

C. REMARKS

1. Summary of the Claims

Claims 1-20 were presented for examination. Of these, claims 7 and 19 have been cancelled and claims 1, 8, 9, 13, and 20 have been amended. Claims 1, 9, and 13 are the independent claims.

2. Drawings

Applicant notes with appreciation the acceptance, by the Examiner, of Applicant's formal drawings.

2. Claim Rejections - 35 U.S.C. § 101

Claims 13-18, and 20 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant notes that the rejections of these claims is improper under the U.S. Patent Office's "Computer Invention Guidelines," which have been promulgated in the MPEP § 2106. In 1995, the Patent Office agreed that claims to software stored on a disk or other computer operable medium were proper statutory subject matter (In re Beauregard, 53 F.3d 1583, 35 U.S.P.Q.2d (BNA) 1383, Fed. Cir. 1995). Applicant notes that Claims 13-18, and 20 are simply computer product claims corresponding to method claims 1-6, and 8. The Office Action properly found method claims 1-6, and 8 to be directed towards statutory subject matter. Therefore, Applicant asserts, it is inconsistent, and improper under MPEP § 2106, to find those same steps directed to non-statutory subject matter when Applicant claims the embodiment of such software on a computer operable medium, such as a magnetic disk.

PATENT

In light of the foregoing, Applicant respectfully requests that the Examiner withdraw the rejection of claims 13-18 and 20 under 35 U.S.C. § 101.

3. Drawings

Applicant notes with appreciation the acceptance, by the Examiner, of Applicant's formal drawings.

4. Claim Rejections - 35 U.S.C. § 102

Claims 1-6, 8-18, and 20 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,085,976 to Sehr (hereinafter Sehr). Applicant respectfully traverses the rejections.

Applicant has amended the independent claims to more clearly and distinctly claim Applicant's invention. In particular, some limitations originally found in claims 7 and 8 have been incorporated in Applicant's independent claim 1. Therefore, as amended, each of Applicant's independent claims includes at least the following limitations:

- receiving a ticket purchase request from a customer;
- receiving one or more security features from the customer;
- sending ticket information and a ticket identifier to the customer in response to the purchase request,
 - o the ticket information including a ticket layout
 - o wherein the ticket layout is adapted to allow the customer to print a printed ticket,
 - the printed ticket formatted according to the ticket layout and the printed ticket including the ticket identifier and the security features;
- storing the security features and the ticket identifier.

Docket No. AUS920010229US1

Page 10 of 18
Dutta - 09/817,868

Atty Ref. No. IBM-1016

PATENT

Each of the limitations included in the amended independent claims was rejected under 35 U.S.C. § 102(e) as being anticipated by Sehr. A claim is anticipated under § 102 only if each and every element of the claim is found, either expressly or inherently, in a single prior art reference. MPEP § 2131 states, in part:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). >"When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02.< "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Note that, in some circumstances, it is permissible to use multiple references in a 35 U.S.C. 102 rejection. See MPEP § 2131.01.

As described in further detail below, Sehr falls short of teaching each and every element of Applicants' amended independent claims. Comparing Applicants' claim limitations with the sections of Sehr cited in the Office Action make this amply clear.

PATENT

Applicant's claims are directed towards printing tickets that include security features. These security features can be used, for example, to stop the activities of ticket thieves or hackers. The printed ticket can then be used to quickly check the identity of the ticket holder against both the security features found on the ticket as well as security features stored at the point-of-service location that is collecting the tickets.

In contrast to Applicant's claimed invention, Sehr teaches a system and method for storing travel related information using "smart card" technology, where the travel related data is stored on the smart card (see abstract). Sehr teaches ways of storing data, including biometric data, onto smart cards in a manner that the stored data can be verified and validated at various point-of-service locations (id). Moreover, however, Sehr teaches against using printed tickets and clearly distinguishes his "passenger cards" from printed tickets. In the first two paragraphs of the Summary of Sehr's patent, he explains how his passenger cards are advantageous over the use of "paper/plastic-based travel documents." This portion of Sehr (col. 2, lines 6-25) is reproduced below, with emphasis added:

Based upon the features and objectives of the travel system and methods, advantages of this invention include reduced administrative costs, improved productivity, better quality of service, and higher revenues associated with the issuance, usage, and processing of the computerized cards as compared to the deployment of paper/plastic-based traveling documents and of conventional payment methods.

The lower administrative costs are the result of less personnel needed for the automated issuance and maintenance of computerized passenger cards as compared to controlling and following-up on paper-based documents or printed media; of less resources and telecommunications costs required to collect and clear electronic payments as compared to cash, checks

PATENT

or plastic-based payments; and of reduced fraud facilitated via the card-based security features. For instance, the detection of and prevention against fraudulent use of unauthorized travel means will be automated, and the steps of verifying passengers and use rights will be consolidated.

In contrast, Applicant teaches and claims a system and method where security features are negotiated between the merchant and the customer and the customer is provided information and a layout for printing a ticket that includes the security features. The differences between Applicant's claimed invention and the teachings of Sehr are even more poignantly brought to light when compared on a limitation-by-limitation basis.

While Sehr does teach receiving a ticket purchase request from a customer, Sehr teaches storing the customer characteristic data that are received in a smart card, and does not teach or suggest printing such characteristics on a printed ticket. Applicant claims "sending ticket information and a ticket identifier to the customer," while Sehr teaches keeping the ticket identifier in a database and, conversely to the assertion made in the office action, does not teach sending the ticket identifier to the customer. Instead, at col. 5, line 67 - col. 6, line 10, Sehr teaches providing the customer only with "validation codes," as shown below:

The database also comprises unique identification numbers for the passengers or providers, account numbers with financial institutions, security keys and access codes used for cryptographic purposes and protection schemes, passenger lists and negative files including cancelled or fraudulent account numbers, and various validation codes. These latter codes are associated with the tickets or services, which are

PATENT

requested by the passengers and delivered by the provider, for proof and authentication of products/services being rendered, including returned by passengers for exchange or for money-back purposes. Further included is information relating to payment transactions, such as details about the service or merchandise purchased with the passenger card, electronic receipts for the cleared payments, and the passenger's purchase habits and related payment history.

In original claim 7, the limitations of which have been incorporated, by amendment, into Applicant's independent claims, Applicant claims:

7. The method as described in claim 1 further comprising:
sending ticket information to the customer along with
the ticket identifier, the ticket information
including a ticket layout.

Applicant notes that the limitation of original claim 7 was apparently not Examined in the original Office Action inasmuch as the Office Action does not contend that Sehr teaches or suggests sending ticket information to a customer and that the ticket information includes a ticket layout. In fact, the Office Action is completely void of any argument that Sehr teaches or suggests anything to do with ticket layouts. A closer inspection of Sehr reveals, in fact, that Sehr does not teach or suggest anything to do with printed layout information. It follows, therefore, that Sehr does not teach or suggest sending such information to the customer. The reasons for Sehr's lack of such teaching stem from the fact that Sehr is teaching away from printing ticket information and, instead, is teaching storing customer characteristics electronically on a smart card.

PATENT

Claim 1 is allowable, as discussed above. Therefore, claims 2-6 and 8 are allowable for at least the same reasons that claim 1 is allowable. Notwithstanding this fact, Applicant below has discussed the allowability of selected dependent claims on the basis that Sehr does not teach or suggest the limitations claimed in these dependent claims.

In claim 4, Applicant claims:

4. The method as described in claim 3 wherein the request to the security server includes a merchant identifier, wherein the receiving is performed in response to the merchant identifier being found in an authorization table corresponding to a customer's account stored on the security server.

Again, the Office Action is void of any contention that Sehr teaches or suggests making sure that a merchant is authorized to receive the customer's security information from a server before being allowed to access the information. A review of Sehr, in general, as well as those sections of Sehr asserted as teaching, what the Office Action describes as "links to customer security images, requesting images, receiving images" (col. 11, lines 59-62; col. 13, lines 4-37) buttress Applicant's assertion that Sehr does not teach or suggest the limitations set forth in claim 4. Instead, Sehr teaches that card readers at entrance and exit gates are used to access information on a customer's smart card. Importantly, nowhere does Sehr teach or suggest authorizing the merchant in accessing the customer's account data located on a security server, as taught and claimed by Applicant.

PATENT

The Office Action contends that Sehr teaches "sending a customer enabled security features" (sic), citing col. 19, lines 34-65. Applicant assumes that this section of the Office Action is directed towards Applicant's claim 6. However, Applicant's claim 6 is not directed at sending customer enabled security features. Instead, claim 6 is for sending the customer a list of merchant-enabled security features so that the customer can provide security features that coincide with those security features that have been enabled by a merchant. In other words, the list is provided so that the merchant and customer can negotiate a set of security features that will be included on the ticket. For example, if the merchant has enabled photographs and signature checking the customer can provide a digital photograph of himself and/or a signature, but would not send the merchant a fingerprint or other biometric data as such other data has not been enabled by the merchant.

Sehr, on the other hand, does not teach or suggest performing any sort of "negotiation" between a merchant and a customer as to what security features, or credentials, have been enabled by the merchant. Instead, in the section cited in the Office Action, Sehr teaches allowing merchants ("providers") to confirm reservations or certify specific service requests. Therefore, Applicant respectfully asserts that Sehr does not teach or suggest the limitations claimed in Applicant's claim 6.

In original claim 8, the limitations of which have been incorporated, in part, into Applicant's independent claims, Applicant claimed:

8. The method as described in claim 7 further comprising:
receiving a printed ticket from the customer, the
printed ticket formatted according to the ticket

PATENT

layout, the printed ticket including the ticket identifier and the security features.

Not only does Sehr not teach or suggest the limitations found in original claim 7, as discussed above, but Sehr does not teach a way for the customer to print a ticket "formatted according to the ticket layout, the printed ticket including the ticket identifier and the security features."

The Office Action cites col. 7, lines 10-15 as teaching "printing electronic ticket" (sic). In the cited section, Sehr states:

The printer (15) allows the passenger to print out hardcopies including paper-based documents, such as tickets or travel statements and expense reports. When using thermal printing techniques, it can also be used to imprint text, logos, video images, or other related data and information onto the package of the passenger card.

While Sehr does suggest printing some paper-based documents, including tickets, Sehr does not teach or suggest printing the ticket according to the ticket layout, and importantly, Sehr does not teach printing the security features on the printed ticket, as taught and claimed by Applicant. Therefore, Applicant asserts that Sehr does not teach or suggest printing a ticket according to a ticket layout that includes security features on the printed ticket.

Claim 9 is an information handling claim that includes the same limitations as claim 1 and, therefore, is allowable for at least the same reasons that claim 1 is allowable. Claims 10-12 each depend on claim 9 and, therefore, are allowable for at least the same reasons that claim 9 is allowable. Claim 13 is a

PATENT

computer program product claim that includes the same limitations as claim 1 and, therefore, is allowable for at least the same reasons that claim 1 is allowable. Claims 14-18 and 20 each depend on claim 13 and, therefore, are allowable for at least the same reasons that claim 9 is allowable.


Conclusion

As a result of the foregoing, it is asserted by Applicant that the remaining claims in the Application are in condition for allowance, and Applicant respectfully requests an early allowance of such claims.

Applicant respectfully request that the Examiner contact the Applicant's attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

By


Joseph T. Van Leeuwen
Attorney for Applicant
Registration No. 44,383
Telephone: (512) 301-6738
Facsimile: (512) 301-6742